

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY R. ROE,

Defendant.

4:16-CR-3067

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court on the plaintiff's Motion for Issuance of Preliminary Order of Forfeiture ([filing 123](#)). Count II of the indictment in this case ([filing 1](#)) charged the defendant with attempting to receive visual depictions of a minor engaged in sexually explicit conduct, in violation of [18 U.S.C. § 2252A\(a\)\(2\) and \(b\)\(1\)](#). The indictment contained a forfeiture allegation seeking the forfeiture, pursuant to [18 U.S.C. § 2253](#), of the property used to commit the offense. [Filing 1 at 2](#). The parties agree that the property is a Huawei H881C Ascend Plus cell phone. [Filing 119 at 1](#).

The defendant has pled guilty to Count II of the indictment and admitted the forfeiture allegation. [Filing 119](#); [filing 124](#). By virtue of pleading guilty to the charge and admitting the forfeiture allegation, the defendant has forfeited his interest in the property, and the plaintiff should be entitled to possession of the property pursuant to [18 U.S.C. § 2253](#). Therefore, the plaintiff's motion for preliminary order of forfeiture is granted.

IT IS ORDERED:

1. The plaintiff's Motion for Issuance of Preliminary Order of Forfeiture ([filing 123](#)) is granted.

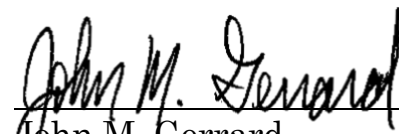
2. Based upon the defendant's guilty plea and admission of the forfeiture allegation of the indictment, the plaintiff is authorized to seize the Huawei H881C Ascend Plus cell phone.
3. The defendant's interest in the property is forfeited to the plaintiff for disposition in accordance with law, subject to the provisions of [18 U.S.C. § 2253](#).
4. The property is to be held by the plaintiff in its secure custody and control.
5. Pursuant to [18 U.S.C. § 2253](#), the plaintiff shall publish for at least thirty consecutive days on an official Internet government forfeiture site (www.forfeiture.gov) notice of this order, notice of publication evidencing the plaintiff's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. Such published notice shall state that the petition referred to in paragraph 5, above, shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the property and any

additional facts supporting the petitioner's claim and relief sought.

7. The plaintiff may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to [18 U.S.C. § 2253](#), in which all interests will be addressed.

Dated this 7th day of January, 2021.

BY THE COURT:



John M. Gerrard
Chief United States District Judge